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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2008-2904

**JOE LOUIS LOPEZ
917 N. Division
Porterville, CA 93257**

A C C U S A T I O N

**Psychiatric Technician License
No. PT 17295**

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

Psychiatric Technician License

2. On or about February 15, 1977, the Board issued Psychiatric Technician License Number PT 17295 to Joe Louis Lopez ("Respondent"). The psychiatric technician license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2012, unless renewed.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions)**

5 7. Respondent has subjected his license to discipline pursuant to Code section 4521,
6 subdivision (f) in that Respondent has been convicted of the following crimes that are
7 substantially related to the qualifications, functions, and duties of a licensed psychiatric
8 technician:

9 a. On or about December 5, 2008, in the Superior Court, Tulare County, California, in
10 the matter entitled *People vs. Joe Louis Lopez*, 2007, Case No. PCM184054, Respondent was
11 convicted by a jury of violations of Vehicle Code section 23153, subdivision (a) (driving while
12 under the influence of alcohol) and Vehicle Code section 23153, subdivision (b) (driving with a
13 blood alcohol level of 0.08% or more), both misdemeanors. Further, on December 4, 2008,
14 regarding the same incident, Respondent was found guilty following his plea of no contest to a
15 violation of Vehicle Code section 20001 (duty to stop at the scene of an accident). The
16 circumstances of the crime are that on or about May 7, 2007, following a traffic collision caused
17 by Respondent, Respondent left the scene of the accident and was arrested a short time later at his
18 residence. Following his arrest, Respondent provided two breath samples, both resulting in .13%
19 blood alcohol.

20 b. On or about May 6, 2008, in the Superior Court, Tulare County, California, in the
21 matter entitled *People vs. Joe Louis Lopez*, 2008, Case No. PCM201950, Respondent was
22 convicted following his plea of nolo contendere to a violation of Vehicle Code section 14601.5
23 and 14601.5, subdivision (a) (driving with a suspended license), a misdemeanor.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Conviction of a Crime Involving Alcohol)**

26 8. Respondent has subjected his license to discipline pursuant to Code section 4521,
27 subdivision (a)(6), on the grounds of unprofessional conduct, in that Respondent has been
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1 convicted of crimes involving the consumption of alcohol, as more particularly set forth in
2 paragraph 7, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)**

5 9. Respondent has subjected his license to discipline pursuant to Code section 4521,
6 subdivision (a)(5), on the grounds of unprofessional conduct, in that on or about May 7, 2007,
7 Respondent used alcohol to an extent or in a manner dangerous or injurious to himself or others,
8 as more particularly set forth in paragraph 7, above.

9 **PRIOR DISCIPLINE**

10 10. Effective November 10, 1994, pursuant to the Stipulation, Decision and Order in
11 Accusation No. T-716, Respondent was placed on probation for a period of 4 years with terms
12 and conditions. The basis for said discipline was that on or about April 24, 1992, Respondent
13 was convicted by a jury of violating Vehicle Code section 23152, subdivision (a) (driving under
14 the influence of alcohol), a misdemeanor, with a special allegation for an admitted prior
15 conviction). A further basis for said discipline was that Respondent used alcohol on or about
16 January 5, 1992, and April 11, 1993, to an extent or in a manner dangerous or injurious to himself
17 or another person. Respondent was granted early termination of his probation effective
18 November 13, 1997.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
22 issue a decision:

23 1. Revoking or suspending Psychiatric Technician License Number PT 17295, issued to
24 Joe Louis Lopez;

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1 2. Ordering Joe Louis Lopez to pay the Board of Vocational Nursing and Psychiatric
2 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: February 18, 2011



TERESA BELLO JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant